

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COURTNEY SMITH, JR.,
Plaintiff,
v.
NATHAN P. BAKER and CAPITOL
ONE AUTO FINANCE,
Defendants.

No. 2:24-cv-01029 DJC AC (PS)

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On August 27, 2024, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 18. Neither party has filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed August 27, 2024, are adopted in
2 full;

3 2. The motions to dismiss at ECF No. 4 and ECF No. 6 are GRANTED. Plaintiff
4 is granted leave to amend the complaint and properly serve the defendants. Plaintiff
5 is ordered to file and amended complaint, along with an affidavit of proper service
6 stating he properly served both the summons and a copy of the Amended Complaint
7 on defendant Capitol One Auto Finance and defendant Nathan P. Baker, within 30
8 days.

9
10 IT IS SO ORDERED.

11 Dated: **December 20, 2024**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE